

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

DEBORAH STANLEY

PLAINTIFF

VS.

CASE NO. 5:08-cv-0004 BSM

TYSON FOODS, INC.

DEFENDANT

AGREED PROTECTIVE ORDER

Upon the stipulation of the parties to this action, in order to enhance its efficient and timely advancement, and to protect from disclosure the confidential and proprietary information of the parties hereto, IT IS HEREBY ORDERED:

1. At the time of producing any documents or providing other information in discovery in this action (whether in Answers to Interrogatories, in Depositions or otherwise), the producing party may designate as "CONFIDENTIAL" any such documents or other information that contains confidential or proprietary information, including personnel information about Family Dollar's employees or ex-employees. Any such confidential documents shall be designated by marking "CONFIDENTIAL" on the document in a readily visible manner. Confidential information other than documents shall be designated by an appropriate statement in the applicable Interrogatory Answer, on the Deposition record or other reasonable manner.

2. Documents and information designated as "CONFIDENTIAL" shall not be disclosed, except by the prior written consent of the producing party or pursuant to a further order of this Court, to any person other than:

- (a) any party to this action and to the officers, agents or employees of any party;
- (b) the parties' attorneys and the attorneys' employees involved in the conduct of this litigation;

- (c) experts and consultants, not including parties or their agents or employees, retained by the attorneys for any party solely for purposes of assisting in this litigation;
- (d) any deposition or trial witness, when disclosed to such witness during his or her testimony; and
- (e) the Court or any Court to whom an appeal of this matter may be taken, and their personnel.

3. Any "CONFIDENTIAL" documents and information made available during the course of this litigation shall be used solely for purposes of this action and shall not be disclosed or used for any other purpose whatsoever.

4. Counsel for each party agree by their approval of the Order that they shall instruct their respective clients as to the confidential nature of documents and information designated as "CONFIDENTIAL" and that said documents and information shall not be discussed or disclosed to anyone other than those described in paragraph 2.

5. Upon receipt of Confidential Information from opposing counsel, the party receiving the Confidential Information shall execute and return to opposing counsel a document entitled, "Inventory of Confidential Documents Received" in the form affixed hereto as Exhibit A.

6. Any party may contest the designation of any document or information as "CONFIDENTIAL" and the parties shall confer in good faith to resolve any such disagreements. This Court shall determine any unresolved dispute using the same standards as if the producing party had applied for a Protective Order under Fed. R. Civ. P. 26.

7. Three years after the conclusion of this litigation, all "CONFIDENTIAL" documents and information, and all copies thereof or any summaries, memoranda or other records containing such information, shall be destroyed or returned to counsel for the producing party, and counsel for each party shall provide a certificate reflecting such disposition, if requested. During this three year period, the terms of this Agreed Protective Order shall remain in effect.

8. Nothing in this Protective Order shall limit any party or person in the use of its own documents or information for any purpose, or from disclosing its own "CONFIDENTIAL" documents or information to any person.


9. The provisions of this Protective Order may be changed or altered by written agreement of the parties or by the Court upon showing of good cause.

IT IS SO ORDERED this 11 day of June, 2008.

  
Honorable Brian S. Miller, USDC Judge

Approved as to Form:

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**EXHIBIT A**  
**INVENTORY OF CONFIDENTIAL DOCUMENTS RECEIVED**

